

**STATE OF TEXAS  
COUNTY OF DENTON  
TOWN OF HICKORY CREEK**

The town council of the Town of Hickory Creek, Texas convened in a regular session on February 20, 2018 at 5:00 p.m. in the council chambers, located at 1075 Ronald Reagan Avenue. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Texas Government Code. The following members were present and constituted a quorum of members:

Lynn Clark, Mayor  
Richard DuPree, Councilmember Place 2  
Paul Kenney, Mayor Pro Tem  
Ian Theodore, Councilmember Place 5

Absent: Tracee Elrod, Councilmember Place 1  
Chris Gordon, Councilmember Place 3

Also in attendance were:

John M. Smith, Jr., Town Administrator  
Kristi K. Rogers, Town Secretary  
Carey Dunn, Chief of Police  
Lance Vanzant, Town Attorney

Mayor Clark called the meeting to order at 5:10 p.m.

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

Councilmember Kenney gave the invocation.

**Items of Community Interest**

There were no items of community interest.

**Public Comment**

There were no speakers for public comment.

**Item B - Public Hearing**

**B (1) - Public Hearing: To hear public opinion regarding whether the continued operation of the mobile home park, commonly known as Hickory Creek Estates, at the property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres (located South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road), and commonly known as 1500 Turbeville Road, Hickory Creek, Texas 76226, which is a nonconforming use under the Town of Hickory Creek Code of Ordinances, has an adverse effect on nearby properties.**

Mayor Clark called the public hearing to order at 5:14 p.m.

Arthur J. Anderson, 2728 N. Harwood Street Suite 500, Dallas, Texas 75201, representing the landowner of 1500 Turbeville Road, stated the landowner objects to the hearing and requests the town council determine the use of the property does not have an adverse impact on nearby properties for the following reasons: The landowner has not been provided evidence the property is located within the corporate limits of Hickory Creek. If the property was properly annexed, then the use is grandfathered under Texas Local Government code and the town is legally prohibited from terminating use. The mobile home park was developed and in operation prior to the development of nearby properties. There is no evidence the mobile home park adversely impacts the value or operation of nearby commercial businesses. DCAD records indicate no significant difference in value between houses in close proximity to the property and those further away.

With no one else wishing to speak, Mayor Clark closed the public hearing at 5:18 p.m.

**Item C – Consent Agenda Items**

1. January 2018 Council Meeting Minutes
2. January 2018 Financial Statements
3. Consider and act on purchasing a 5 year/100,000 mile maximum care extender warranty for the 2018 Dodge Charger.
4. Consider and act on Change Order No.15 for the Main Street Reconstruction and Hickory Creek CIP project.
5. Consider and act on Contract Amendment No 2. to the original contract agreement dated January 17, 2017 for engineering services for the Turbeville Road and Point Vista Road Project.
6. Consider and act on an agreement for professional engineering services for the TCEQ MS4 Annual Report.

**Motion:** made by Councilmember DuPree to approve consent agenda Items C1 and C6 as presented. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**Item D – Regular Agenda Items**

**D (1) - Hear presentation from Alan Pursley regarding potential adverse effects of the property, legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres (located South of Swisher Road, East of Ronal Reagan Avenue, North of Turbeville Road and West of Point Vista Road), and commonly known as 1500 Turbeville Road, Hickory Creek, Texas 76226, on nearby properties.**

Alan Pursley, Appraisal Source, Inc., presented information regarding 1500 Turbeville Road, which included, the character of the neighborhood surrounding Hickory Creek Estates, the degree of incompatibility of the use to the zoning district which it is located and other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

**D (2) - Consider and act on determining whether the continued operation of the nonconforming use of the property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres (located South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road), and commonly known as 1500 Turbeville Road, Hickory Creek, Texas 76226, has an adverse effect on nearby properties and, if so, schedule a second public hearing to establish a compliance date for the nonconforming use.**

Mayor Clark stated in the absence of two councilmembers, Item D (2) should be tabled.

**Motion:** made by Councilmember Theodore to table Item D (2) until the next regular council meeting or special called meeting. Motion seconded by Councilmember Kenney.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (3) - Consider and act on a minor replat of lots 6A, 8, and 9 of the Country Oaks Addition, being 6.04 acres out of the S. Linthicum Survey, Abstract #1600 in the Town of Hickory Creek, Denton County, Texas.**

**Motion:** made by Councilmember Theodore to approve Item D (3) as presented. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (4) - Consider and act on an agreement between the Town of Hickory Creek and Flying and Floating Toys for use of Point Vista Park property.**

**Motion:** made by Councilmember Theodore to not approve Item D4. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (5) - Consider and act on Amendment No. 1 to Interlocal Cooperation Agreement between Denton County, Texas and the Town of Hickory Creek, Texas associated with the extension of Point Vista Road from Ronald Reagan Avenue to Parkridge Road.**

**Motion:** made by Councilmember Theodore to approve Item D5 as presented. Motion seconded by Councilmember Kenney.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (6) - Consider and act on an interlocal cooperation agreement between Denton County, Texas and the Town of Hickory Creek, Texas associated with the widening and improvements of Point Vista Road from Turbeville Road to Stamford Drive as a 3-lane undivided concrete road, and Turbeville Road from Point Vista Road to IH-35E Frontage Road as a four-lane divided concrete road.**

**Motion:** made by Councilmember Theodore to approve Item D6. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (7) - Consider and act on the Hickory Creek Police Department Annual Racial Profiling Report for 2017.**

Chief Cary Dunn presented the Annual Racial Profiling Report for 2017.

**Motion:** made by Councilmember Kenney approve Item D (7) the Hickory Creek Police Department Annual Racial Profiling Report for 2017. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (8) - Consider and act on bids submitted for the 2018 Hickory Creek Remote Video Surveillance project.**

**Motion:** made by Councilmember DuPree reject all bids submitted for the 2018 Hickory Creek Remote Video Surveillance project. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (9) - Consider and act on bids submitted for the 2018 Landscape Maintenance project.**

**Motion:** made by Councilmember Kenney to accept the bid submitted by Three Kings Grounds Keeping for the 2018 Landscape Maintenance Project not to exceed 72,500. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (10) - Consider and act on incurring monthly charges for irrigation in the TXDOT right of way along Interstate 35E in Hickory Creek.**

**Motion:** made by Councilmember Kenney to approve the incurring monthly charges for irrigation in the TXDOT right of way along Interstate 35E in Hickory Creek. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.  
**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (11) - Consider and act on nomination of the 2017 Hickory Creek Business of the Year.**

No action taken due to the fact not all councilmembers were present.

**D (12) - Consider and act on nomination of the 2017 Hickory Creek Citizen of the Year.**

No action taken due to the fact not all councilmembers were present.

**D (13) - Consider and act on nomination of the 2017 Hickory Creek Scholars of the Year.**

**D (14) - Consider and act on nomination of the 2017 Hickory Creek Sportsman of the Year.**

Mayor Clark stated that Lake Dallas High School had recommended Morgan Mayfield and Brenden Leyden for 2017 Scholars of the Year and Mason Meeks for 2017 Sportsman of the Year.

**Motion:** made by Councilmember Kenney to approve Item D (13) and D (14) as presented. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.  
**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**Item E - Executive Session: The Town Council will convene into executive session pursuant to Texas Government Code Section 551.071, Consultation with Attorney on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation.**

Town Council did not convene into executive session.

**Item F - Reconvene into Open Session:**

Town Council did not convene into executive session.

**Item G – Adjournment**

**Motion:** made by Councilmember Kenney to adjourn the meeting. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember DuPree, Councilmember Kenney and Councilmember Theodore.  
**Nays:** None

**MOTION PASSED UNANIMOUSLY**

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The meeting did then stand adjourned at 6:18 p.m.

Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek